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Arizona Corporation Commission

DOCKETED

JAN 13 2010

Attorneys for Cross Creek Ranch Water Company and
Cross Creek Ranch Community Association

DOCKETED BY

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE
APPLICATION OF CROSS CREEK
RANCH COMMUNITY ASSOCIATION,
AN ARIZONA NON-PROFIT
CORPORATION, FOR AN
ADJUDICATION OF "NOT A PUBLIC
SERVICE CORPORATION" STATUS.

DOCKET NO. W-20619A-08-0470

IN THE MATTER OF CROSS CREEK
RANCH WATER COMPANY'S
APPLICATION FOR APPROVAL OF
ASSIGNMENT OF ASSETS VIA
DISSOLUTION TO THE CROSS CREEK
RANCH COMMUNITY ASSOCIATION,
PURSUANT TO ARIZONA REVISED
STATUTES 40-285, AND DELETION OF
THE CERTIFICATE OF CONVENIENCE
AND NECESSITY.

DOCKET NOS.: W-04131A-08-0471
W-20619A-08-0471

**MOTION FOR CANCELLATION OF
CERTIFICATE OF CONVENIENCE
AND NECESSITY**

Cross Creek Ranch Water Company (the "Water Company") hereby files this
Motion for Cancellation of its Certificate of Convenience and Necessity ("CC&N").

The Cross Creek Ranch Community Association (the "Association") was
established in August 13, 2002, and is an Arizona Non-Profit Corporation formed for the
purpose of representing homeowners who reside in the Cross Creek Ranch Subdivision.
Cross Creek Ranch is a 210-parcel comprised of 84 lots, located approximately two miles
southwest of Sedona, Arizona in Yavapai County, Arizona. The Association also
provides wastewater utility services to the Cross Creek Ranch subdivision. The
Association is in good standing with the Commission's Corporation Division.

The Water Company is an Arizona public service corporation and was granted a

1 CC&N to provide water utility service in portions of Yavapai County and specifically to
2 the Cross Creek Ranch Subdivision in Commission Decision No. 65978 (June 17, 2003).
3 The Water Company currently provides water utility service to 14 residential customers
4 and four irrigation customers. The Water Company is in good standing with the
5 Commission's Corporation Division.

6 On September 8, 2008, the Association filed an application with the Commission
7 for an Adjudication Not a Public Service Corporation. On the same date, the Water
8 Company filed an application with the Commission for approval to transfer its water
9 utility assets to its sole shareholder, the Association, and for cancellation of its water
10 CC&N.

11 On June 5, 2009, the Commission issued Decision No. 71103 (1) granting the
12 Association's application for adjudication not a public service corporation subject to
13 certain conditions; (2) granting the Water Company's application to transfer its assets to
14 the Association subject to certain conditions; and (3) requiring the Water Company to file,
15 within 45 days of completion of the conditions set forth for the Association being granted
16 its application for adjudication not a public service corporation and the Water Company
17 being granted its application to transfer its assets to the Association, a motion requesting
18 that the Commission cancel the CC&N granted in Decision No. 65978.

19 **Condition**

Date of Compliance

- | | |
|---|----------|
| 20 1. The Association shall file with Docket Control, as a | 12/01/09 |
| 21 compliance item in this docket, within 180 days of the | |
| 22 effective date of this Decision, a copy of the revised By- | |
| 23 Laws which mirrors the wording in Section 3.7 and | |
| 24 Section 5.7 of the First Amendment to the Covenants, | |
| 25 Conditions, and Restrictions that every customer is a | |
| 26 member/owner with equal voting rights and that each | |
| 27 member is or will be a member. | |
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Condition

Date of Compliance

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| 2. | The Association shall file with Docket Control, as a compliance item in this docket, within 180 days of the effective date of this Decision, a copy of the revised By-Laws that mirror the required criteria found in Section 3.2 of the First Amendment to the Covenants, Conditions, and Restrictions that the service area, described in the Decision as Exhibit A, encompasses a fixed territory. | 12/01/09 |
| 3. | The Association shall file with Docket Control, as a compliance item in this docket, a copy of the First Amendment to its Covenants, Conditions, and Restrictions recorded with Yavapai County which complies with Staff's recommendations at Finding of Fact Nos. 14-18 and as set forth in Commission Decision No. 55568 (May 7, 1987), within 180 days of the effective date of this Decision. | 12/01/09 |
| 4. | The Water Company shall file with Docket Control, as a compliance item in this docket, the appropriate Arizona Department of Water Resources documentation, demonstrating that the well (Registration No. 55-200896) is owned by the Association, within 180 days of the effective date of this Decision. | 12/01/09 |

Condition

Date of Compliance

5. The Water Company shall file with Docket Control, as a compliance item in this docket, copies of all documentation, transferring ownership of the water system and assets to the Association, within 180 days of the effective date of this Decision.

12/01/09

6. The Water Company shall file within 30 days of the completion of the transfer of the water system and assets to the Association, an affidavit attesting that all customer deposits and refunds for meter and service line installation have been returned to the customers of Cross Creek Ranch Subdivision.

01/08/10

7. The Water Company, within 45 days of completion of the above stated conditions, shall file a motion in this docket requesting that the Commission cancel the CC&N granted in Decision No. 65978 (June 17, 2003).

Compliance being addressed in the current filing.

The Association and the Water Company, having met the conditions required by Decision No. 71103 regarding the Association's application for adjudication not a public service corporation, and the Water Company's application to transfer its assets to the Association, hereby request that the Commission cancel the CC&N granted in Decision No. 65978.

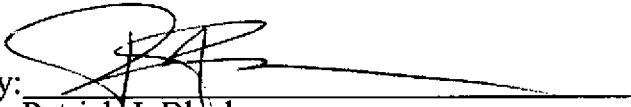
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1 RESPECTFULLY SUBMITTED this 13th day of January, 2010.

2 FENNEMORE CRAIG, P.C.

3
4 By: 
5 Patrick J. Black
6 Attorneys for Cross Creek Ranch Water Company
7 and Cross Creek Ranch Community Association

8 ORIGINAL and fifteen (15) copies
9 of the foregoing hand-delivered
10 this 13th day of January, 2010, to:


11 Docket Control
12 Arizona Corporation Commission
13 1200 W. Washington St.
14 Phoenix, AZ 85007

15 Copy of the foregoing hand delivered
16 this 13th day of January, 2010, to:

17 Wesley Van Cleve
18 Legal Division
19 Arizona Corporation Commission
20 1200 W. Washington Street
21 Phoenix, AZ 85007

22 Chuckwu Blessing
23 Utilities Division
24 Arizona Corporation Commission
25 1200 W. Washington Street
26 Phoenix, AZ 85007

27 Kimberly Battista, Compliance
28 Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

By: 
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